

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL STREET, NE, 7TH FLOOR, ROOM 7200
WASHINGTON, D.C. 20002

PERSONS OBJECTING TO THE APPROVAL OF A RENEWAL APPLICATION ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF THE LICENSE. HEARINGS WILL BEGIN AT 10:00 AM AT 941 NORTH CAPITOL STREET, NE, 7TH FLOOR, ROOM 7200, HEARING ROOM.

RESCIND NOTICES

POSTING DATE 06/08/2007
PETITION DATE 07/23/2007
HEARING DATE 08/08/2007

THE FOLLOWING ESTABLISHMENTS ARE RENEWING THEIR ABC LICENSES:

License #19271 Georgia Brown Limited Partnership

ANC 2F03 Georgia Brown's

Class Retailer CR 02 950 15TH STREET NW

No V/A

Endorsement:

	<u>Hours of Operation</u>	<u>Hours of Sales</u>	<u>Entertainment Hours</u>	<u>Sidewalk Hours</u>
MON	11 am to 2 am	11 am to 2 am		11 am to 2 am
TUE	11 am to 2 am	11 am to 2 am		11 am to 2 am
WED	11 am to 2 am	11 am to 2 am		11 am to 2 am
THU	11 am to 2 am	11 am to 2 am		11 am to 2 am
FRI	11 am to 3 am	11 am to 3 am		11 am to 3 am
SAT	11 am to 3 am	11 am to 3 am		11 am to 3 am
SUN	11 am to 2 am	11 am to 2 am		11 am to 2 am

BOARD OF ELECTIONS AND ETHICS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in eight (8) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

VACANT: 3DO7, 3D08, 6B11, 8B03, 8C02, 8C05, 8C06, 8E01

Petition Circulation Period: **Monday, August 6, 2007 thru Monday, August 27, 2007**

Petition Challenge Period: **Thursday, August 30, 2007 thru Thursday, September 6, 2007**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS

Certification of Filling Vacancies
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics "Board" from the affected Advisory Neighborhood Commissions, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Lowell Thomas
Single-Member District 2A02

Eric Malinen
Single-Member District 2A05

Community Academy Public Charter School (CAPCS)
1351 Nicholson Street, NW
Washington, DC 20011

Request for Educational Services

Community Academy Public Charter School (CAPCS), in accordance with section 31-2801, 2853.14 of the District of Columbia Reform Act of 1995, is soliciting bids for related service providers in the area of speech/language, occupational therapy and counseling. These services should be, but not be limited to, evaluations, intervention, and professional development. Bidder must be licensed in the District of Columbia.

Bids must be received by August 3, 2007. For further information, contact Rachelle Roberts, Director of Student Support Services, at rachelleroberts@capcs.org.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Home Rule Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2007, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002. These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

The BCIB is charged with examining the sanitary condition of all buildings in the District of Columbia, determining which buildings are in such insanitary condition as to endanger the health or lives of its occupants or persons living in the vicinity, and issuing orders of condemnation requiring the owners to remedy the insanitary condition. Should the owner fail to remedy the cited conditions, the BCIB shall cause the building to be made habitable, safe and sanitary or razed and removed. The cost of work performed by the District of Columbia Government shall be assessed to the property.

Calendar Year 2007 Meeting Dates

July 25th

August 8th
August 22thSeptember 12th
September 26thOctober 10th
October 24thNovember 14th
November 28thDecember 12th
December 26th

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DISTRICT OF COLUMBIA REGISTER VOL. 54 - NO. 31 AUGUST 03 2007
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

**NOTICE OF PUBLIC INTEREST
LIST OF CONDEMNED BUILDINGS**

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of **June 2007**. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

LIST OF CONDEMNED BUILDINGS

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
6412 Barnaby Street	0091	2352	4
811 Butternut Street	0006	2967	4
635 Columbia Road	0153	3052	1
1126 Columbia Road	0056	2853	1
5109 Connecticut Avenue	0048	1989	3
5109 Connecticut Avenue-Rear	0048	1989	3
410 Florida Avenue	0040	0507	5
1461 Florida Avenue	0147	2660	1
3003 Georgia Avenue	0111	3052	1
3919 Georgia Avenue	0035	3027	4
4419 Georgia Avenue	0815	3020	4
4607 Georgia Avenue	0016	3015	4
723 Girard Street	0214	2886	1
1710 Irving Street	0001	2771	4
1301 Kalmia Road	0001	2771	4
806 Kennedy Street	0812	2994	4
1026 Lamont Street	0802	2845	1
508 M Street	0071	0482	2
1002 M Street	0056	0341	2
1006 M Street	0051	0341	2
223 Missouri Avenue	0043	3331	4
1824 Monroe Street	0813	2614	1
212 Morgan Street	0083	0555	6
216 Morgan Street	0018	0555	6
450 N Street	0513	0075	2
3642 New Hampshire Ave.-Rear	0032	2898	1
52 New York Avenue	0155	0619	6
1443 Newton Street	0430	2677	1
1454 Newton Street	0430	2677	1
1320 North Capitol Street	0154	0617	5
1424 North Capitol Street	0010	0616	5
1426 North Capitol Street	0836	0616	5
3217 Northampton Street-Rear	0037	2022	4
405 O Street	0802	0511	2
509 O Street	0479	2001/2002	2
3421 Oakwood Terr.	0768	2621	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
605 P Street	0154	0445	2
1429 Parkwood Place	2688	0062	1
1433 Parkwood Place	0064	2688	1
1427 Q Street	0009	0208	2
53 S Street	0039	3106	5
1605 S Street	0019	0177	2
423 Shepherd Street	0038	3238	4
423 Shepherd Street-Rear	0038	3238	4
920 Shepherd Street-Rear	0067	2907	4
321 T Street	0065	3089	1
901 U Street	0100	0360	2
1359 U Street	0805	0236	1
1361 U Street	0805	0236	1
613 Upshur Street	0072	3226	4
613 Upshur Street-Rear	0072	3226	4
1321 V Street	0182	0235	1
1943 Vermont Avenue	0011	0361	1
1943 Vermont Avenue-Rear	0011	0361	1
215 Whittier Street-Rear	0820	3363	4
1401 1 st Street	0814	0616	5
1821 1 st Street	0137	3110	5
1837 1 st Street	0126	3110	5
1202 3 rd Street	0837	0523	2
1506 3 rd Street	0818	0521	5
1859 3 rd Street	0810	3096	1
1922 3 rd Street-Rear	0010	3089	1
1209 4 th Street	0810	0523	6
1211 4 th Street	0502	2026	6
1417 5 th Street	0054	0511	2
1425 5 th Street	0511	0817	2
1551 6 th Street(Carriage House)	0821	0478	2
2206 6 th Street	0033	3065	1
6838 6 th Street	0013	3169	4
1512 8 th Street	0832	0397	2
1543 8 th Street	0046	0421	2
1600 8 th Street	0020	0396	2
1905 8 th Street	0802	0416	1
1905 8 th Street -Rear	0802	0416	1
6216 8 th Street	2980	0031	4

BUILDINGS CONDEMNEDLOTSQUAREWDNorthwest (Con't)

1301 9 th Street	0801	0399	2
1303 9 th Street	0062	0399	2
1305 9 th Street	0063	0399	2
1307 9 th Street	0803	0399	2
1309 9 th Street	0804	0399	2
1528 9 th Street	0824	0365	2
1528 9 th Street-Rear	0824	0365	2
1532 9 th Street	0822	0365	2
1534 9 th Street	0821	0365	2
1536 9 th Street	0820	0365	2
1819 10 th Street	0212	0362	1
1819 10 th Street-Rear	0212	0362	1
715 11 th Street	0010	0335	2
3007 11 th Street	0099	2851	1
3222 13 th Street	0034	2845	1
1316 12 th Street	0824	0280	2
5113 13 th Street-Rear	0019	2929	4
5749 13 th Street-Rear	58/818	2935	4
2208 14 th Street	0030	0202	1
3405 14 th Street	0115	2836	1
3431 14 th Street	0133	2836	1
3509 14 th Street	0053	2827S	1
4024 14 th Street	0053	2694	4
5209 14 th Street	0105	2804	4
2423 18 th Street	0093	2560	1
3222 19 th Street	0817	2604	1

BUILDINGS CONDEMNEDLOTSQUAREWDNortheast

4611 Clay Street	0011	5134	7
4615 Clay Street	0012	5134	7
5212 Cloud Street	0801	5235	7
4226 Dix Street	0017	5089	7
4226 Dix Street-Rear(North)	0017	5089	7
4226 Dix Street-Rear(South)	0017	5089	7
1334 Downing Place	0039	4027	5
4710 Eads Street	0011	5144	7
2800 Evart Street	0009	4346	5

BUILDINGS CONDEMNEDLOTSQUAREWDNortheast (Con't)

837 Florida Avenue	0063	0908	6
1369 Florida Avenue-Rear	0129	1026	6
1654 Gales Street	0122	4510	6
4326 Gault Place	0130	5093	7
4037 Grant Street	0053	5078	7
4037 Grant Street-Rear East	0054	5078	7
4037 Grant Street-Rear West	0054	5078	7
413 H Street	0812	0809	6
1309 H Street	0088	1027	6
1311 H Street	0089	1027	6
311 I Street	0048	0776	6
1826 I Street	0032	4488	5
1830 I Street	0031	4488	5
1712 Montello Avenue	0029	4053	5
1712 Montello Avenue-Rear	0029	4053	5
978 Mt. Olivet Road	4039	0814	5
4813 Jay Street	0087	5149	7
5069 Just Street	0305	5176	7
5095 Just Street	0314	5176	7
303 K Street	0804	0775	6
1854 L Street	0806	4470	5
1249 Lawrence Street	0021	3930	5
5119 Lee Street	0038	5200	7
1310 Monroe Street	0010	3964	5
1310 Monroe Street-Rear	0010	3964	5
1950-60 Montana Avenue	0083	PAR-0153	5
1410 Montello Avenue	0809	4059	5
1414 Montello Avenue	0807	4059	5
978 Mt. Olivet Road	0814	4039	5
5706 NHB Avenue	0010	5214	7
4924 Nash Street	0059	5172	7
1925 North Capitol Street	0014	3509	5
1243 Owen Place	0188	4060	5
22 P Street	0057	0668	5
24 P Street	0056	0668	5
21 T Street	0809	5235	5
2511 Queen Chapel Road	4111E	0016	5
115 Riggs Road	0085	3701	5
4905 Sheriff Road	5179	0803	5

Northeast (Con't)

2925 South Dakota Avenue	0028	4339	5
3610 South Dakota Avenue	0033	4224	5
3610 South Dakota Ave.-Rear	0033	4224	5
1215 Staples Street	0108	4067	5
21 T Street	0029	3510	5
227 Tennessee Avenue	0127	1033	6
227 Tennessee Avenue-Rear	0127	1033	6
215 Warren Street	0809	1033	6
1917 2 nd Street	0013	3169	5
1921 2 nd Street	0051	3565	5
722 3 rd Street-Rear	0855	0752	6
915 3 rd Street	0801	0775	6
1811 3 rd Street	0007	3570	5
1020 4 th Street-Rear	0034	0774	6
251 8 th Street	0064	0917	6
819 8 th Street	0028	0911	6
2250 13 th Street-Rear	0034	3942	5
704 16 th Street	0085	4509	6
3114 16 th Street	0041	4014	5
3300 18 th Street	0019	4143	5
4310 22 nd Street	0012	4232	5
1227 47 th Place	0039	5160	7
1055 48 th Place	0098	5153	7
717 50 th Street	0021	5179	7
730 51 st Street	0061	5197	7
732 51 st Street	0060	5197	7
734 51 st Street	0808	5197	7
109 53 rd Street	0091	5243	7

BUILDINGS CONDEMNEDLOTSQUAREWDSoutheast

1523 A Street	0816	1072	6
1751 A Street	0063	1097	6
1751 A Street-Rear	0063	1097	6
4427 A Street	0107	5350	7
4437 A Street	0102	5350	7
4437 A Street-Rear	0102	5350	7
5019 A Street	0005	5327	7
5019 A Street-Rear (Shed)	0005	5327	7

Southeast (Con't)

5055 A Street	0014	5327	7
21 Atlantic Street	0051	6170	8
5010 Benning Road	0068	5340	7
3401 Brothers Place	0803	6006	8
5201 C Street	0009	5312	7
5100 Call Place	0016	5312	7
5100 Call Place-Rear(South)	0016	5312	7
4348 Dubois Place	0069	5400E	7
1525 E Street	0087	1076	6
3118 E Street	0807	5440	7
3326 Ely Place	0807	5444	6
647 G Street	0139	0878	6
651 G Street	0141	0878	6
3009 G Street	0807	5480	7
1239 Good Hope Road	0089	3033	8
1410 Good Hope Road	0024	5605	8
2256 High Street-Rear East	0850	5799	8
2839 Jasper Road	0917	5875	8
1220 Mapleview Place	0811	5800	8
1354 Mapleview Place	0922	5804	8
1909 MLK Jr. Avenue	0829	5770	8
1911 MLK Jr. Avenue	0829	5770	8
1913 MLK Jr. Avenue	0829	5770	8
2228 MLK Jr. Avenue	0810	5802	8
2234 MLK Jr. Avenue	0811	5802	8
2238 MLK Jr. Avenue	0978	5802	8
2629 MLK Jr. Avenue-East	0192	5867	8
2629 MLK Jr. Avenue-West	0192	5867	8
2666 MLK Jr. Avenue, East bldg	1014	5868	8
2759 MLK Jr. Avenue-Rear	0802	5982	8
1354 Penn. Avenue	0051	3565	8
1431 Potomac Avenue	0045	1065NE	6
1500 Savannah Street	0801	5912	8
1502 Savannah Street	0802	5912	8
1225 Sumner Road	0980	5865	8
1326 Valley Place	0849	5799	8
1333 Valley Place	0891	5801	8
821 Virginia Avenue	0006	0929	6
1242 W Street	0099	5782	8
535 9 th Street	0830	0926	6
535 9 th Street-Rear	0830	0926	6
1912 17 th Street	0045	5612	7
321 18 th Street	0801	1100	6
433 53 rd Street	0030	5313	7

BUILDINGS CONDEMNED**LOT****SQUARE****WD****Southwest**

78 Darrington Street-Rear	0023	6223S	8
35 Forrester Street	0054	6240	8
41 Forrester Street	0056	6240	8
157 Forrester Street	0803	6240	8

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF THE ENVIRONMENT
NOTICE OF PERMIT ACTION**

Notice is hereby given that, pursuant to 40 CFR 51.61, D.C. Official Code § 2-505, and 20 DCMR 206, the Air Quality Division (AQD) of the Environmental Protection Administration located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to install and operate three (3) emergency generators to The American University located at 4400 Massachusetts Avenue, N.W., Washington, D.C.

The application for permit renewal and the proposed renewal permit to operate a concrete plant are available for public inspection at AQD and copies may be made between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Cecily Beall, Associate director, Air Quality Division, Environmental Protection Administration, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after September 3, 2007 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address, and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos, at (202) 535-1354.

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The application for construction of the emergency generator and the proposed permit are available for public inspection at AQD and copies may be made between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

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The application for permit renewal and the proposed renewal permit to operate a concrete plant are available for public inspection at AQD and copies may be made between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

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FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective candidates to provide the following services:

- 1.) **Limited Management Services** in accordance with requirements and specifications detailed in the Request for Proposal.
- 2.) **Wireless Telecommunications** in accordance with requirements and specifications detailed in the Request for Proposal.
- 3.) **Promotional Items, Staff and Student Uniforms, and other Paraphernalia** in accordance with requirements and specifications detailed in the Request for Proposal.

Prospective candidates can obtain an electronic copy of the full Request for Proposal (RFP) for each service by contacting:

Valerie Holmes
vholmes@friendshipschools.org
202-281.1722

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 06-01: Martin Luther King Jr. Memorial Library

901 G Street, NW (Square 375, Lot 825)

Designated June 28, 2006

Designation Case No. 07-35: The Cavalier Apartment Building (Hilltop Manor)

3500 14th Street, NW (Square 2688, Lot 43)

Designated June 28, 2006

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE**NOTICE OF REQUEST FOR PROPOSALS**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, hereby posts notices that it will be accepting bids for the following five services:

1. **School Food Service:**
Complete preparation of breakfast and lunch for approximately 300 students for the 2007-2008 School year.
2. **Building Security Service:**
The provision of two unarmed security guards from 6 am to 8 pm.
3. **Facility Cleaning Service:**
Complete daily janitorial service for the entire middle school building which consists of four floors and approximately 30 classrooms/offices.
4. **Technology Support Service:**
Tier I & II support for the School's extensive information systems platform.
5. **Embroidery of school uniforms (polo shirts, sweaters, t-shirts, jackets)**

Interested parties should contact Yohance Maqubela at (202) 806-7845, to receive a copy of the bid package. The deadline for all responses is August 10, 2007 at 5 pm.

NOTICE OF FUNDING AVAILABILITY
Façade Storefront Improvement

The Department of Housing and Community Development (DHCD) is soliciting applications under federal Community Development Block Grant (CDBG) Program funding dedicated to neighborhood revitalization and the preservation of affordable housing for the benefit of low and moderate income households. Funding under this notice will be available in FY 2008, beginning on November 1, 2007.

The purpose of this Request for Applications (RFA) is to solicit applications for grant funds to conduct the following Neighborhood Based Activity in the District:

Façade Storefront Improvement

Community Development Block Grant funds will be used to fund grant agreements with community-based non-profit organizations to develop façade storefront improvement projects in targeted commercial corridors in the District. Further details on these activities will be described in the Request for Applications.

The deadline for submission is September 7, 2007, at 4:00 p.m. Applications will be available beginning Friday, August 3, 2007, at 801 North Capitol Street NE, Washington, DC 20002 – 6th Floor Reception Desk. For additional information, please contact the Department of Housing and Community Development, Residential and Community Services Division, at (202) 442-7161.

A Pre-Application Conference will be held at the Department of Housing and Community Development on Wednesday, August 22, 2007 at 10:00 a.m., 801 N. Capitol Street, NE, 9th Floor. Attendance at the conference is encouraged for all potential applicants.

HYDE LEADERSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****CUSTODIAL/CLEANING SUPPORT SERVICE**

Interested parties shall MAIL the response to this RFP by submitting sealed qualification statements (4 copies, 1 original inclusive) and by addressing the specific proposal requirements, as requested in this RFP, in an envelope clearly marked "**RFP – CUSTODIAL/CLEANING SUPPORT SERVICES**" to:

Kenneth L. Grant
Hyde Leadership Public Charter School
101 T Street, NE
Washington, DC 20002

No later than August 17, 2007

Introduction

The Hyde Leadership Public Charter School of Washington, DC is soliciting proposals and qualification statements from firms providing custodial services to establish a contract through competitive negotiations for providing a thorough once-a-week cleaning at its 101 T Street, NE, Washington, DC location. Services would be provided to assist Hyde facility staff in assuring a clean and orderly school building.

Project Scope

A thorough Saturday or Sunday cleaning of the school building will be done each week (times to be negotiated with the Assistant Business Manager). Custodial/cleaning support services for Hyde's 110,000 square foot building would include:

- Scope of work includes:
 1. Sweep and damp mop all hard surface floors, including stairwells, gyms, auditorium, and cafeteria.
 2. Vacuum carpeted floors and/or runners and spot clean as necessary.
 3. Wipe or dust metal student lockers.
 4. Clean glass on all doors and sidelight surfaces.
 5. Clean and disinfect all bathrooms, including:
 - a. spot damp wipe of all walls, toilet partitions, and doors;
 - b. clean and polish all mirrors;
 - c. clean and sanitize toilet bowls and seats, urinals, sinks, chrome fixtures, and pipes;

- d. replenish towels, toilet tissue, hand soap, and sanitary napkin dispensers from Owner's stock;
 - e. install urinal fresheners, when necessary, from Owner's stock;
 - f. flush all lavatory drains with disinfectant solution as necessary; and
 - g. scrub restroom floors with disinfectant solution.
6. Clean and polish all drinking fountains.
 7. Dust all light fixtures.
 8. Empty all wastebaskets and reline as necessary, taking all trash to the dumpster.
 9. Vacuum all classrooms, removing all cobwebs and dust from corners, ledges, and behind radiators.
 10. Clean and vacuum radiators and radiator covers in each stairwell, removing cobwebs and dust.
 11. Maintain all slop sinks, storage rooms, supply areas, janitorial closets, equipment, and materials in a clean, safe, and orderly manner.
 12. Dust all office furniture, including desks, file cabinets, credenzas, lamps, windowsills, ledges, pictures, plaques, and bookcases; spot clean any spills.
 13. Clean all blackboards and/or whiteboards.
 14. Vacuum and/or brush office chairs and cushions.
 15. Make sure all lights and air conditioning units are turned off, and all doors are locked and secured prior to leaving the building.
 16. Once every month (times to be worked out with the Assistant Business Manager), strip and wax all main corridors, hallways, and classrooms.

Applicants should respond to:

Kenneth L. Grant
Chief Operating Officer
Hyde Leadership PCS
101 T Street, NE
Washington, DC 20002

For further information, please contact Weeggie Johnson, Assistant Business Manager, at 202-345-5942 or 202-529-4400.

Office of the Secretary of the
District of Columbia

July 18, 2007

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after August 15, 2007.

Agee, Josephine	Rpt	1409½ 21 st St,NW Unit A 20036
Allin, Lorina G.	New	CitiBank 1225 Conn Ave,NW 20036
Anderson, Jeffrey R.	Rpt	D.C. Lottery 2101 MLK Ave,SE 20020
Andre, Janet J.	Rpt	The Carlyle Group 1001 Pa Ave,NW#220 20004
Bullard, Ailease	New	Paul Hastings et al 875 15 th St,NW 20005
Cameron, Tonya	New	Nuclear Energy Institute 1776 I St,NW#400 20006
Carter, Patricia A. Cheek	Rpt	6212 N H Ave,NE 20011
Davari, Khosrow	New	Stewart Title 1050 17 th St,NW#600 20036
Davenport, Ryan	New	Wilson Elser et al 1341 G St,NW 20005
Davis, Crystal L.	Rpt	N E B F Investments 900 7 th St,NW#900 20001
Dilly, Sara C.	New	DOJ/Free State Reporting 555 4 th St,NW#2905 20530

Duncan, Glen	New	Attorney at Law 717 D St,NW#300 20004
Grant, Diane L.	New	Simon Rosenberg 901 15 th St,NW#705 20005
Gregory, Rose A.	Rpt	Kenilworth Parkside Mgt 1553 Anacostia Ave,NE 20019
Harris, Cheryl A.	Rpt	4016 8 th St,NE#4 20017
Henshaw, Donald W.	Rpt	Office Doctor 1629 K St,NW#300 20006
Jones, Margaret B.	Rpt	WilmerHale 1875 Pa Ave,NW 20006
Jones, Jr., Percy L.	Rpt	CitiBank 3917 Minn Ave,NE 20019
Leonard, Franklin	Rpt	ArmedForcesRetirementHome 3700 N Cap St,NW 20011
Long, Catherine M.	New	Wings Enterprises 3212 7 th St,NE 20017
Lucas, Jr., Allan E.	New	3305 11 th St,NW#1 20010
Mills, Kelley E.	New	Kirkpatrick Lockhart 1601 K St,NW 20006
Mitiku, Bethlehem	New	Wachovia Bank 1700 Pa Ave,NW 20006
Nicholson, Sheila J.	New	Vedder Price et al 875 15 th St,NW#725 20005
Orchowski, Alexis	New	A P I 1220 L St,NW 20005
Rameriez, Myrna I.	Rpt	1740 Euclid St,NW#28 20009

Rasheed, Sharon A.	Rpt	Fulbright & Jaworski 801 Pa Ave,NW 20004
Robertson, Marsha A.	Rpt	Law Office/Brenda Hopkins 3724 12 th St,NE 20017
Rohner, Jonathan	New	National Gallery of Art 4 th & Const Ave,NW 20565
Rucker, Jr., Lewis	New	301 G St,SW 20024
Scott, Portia A.	Rpt	DeRo Legal Essentials 1101 Pa Ave,NW6thFl 20004
Wells, Linda	Rpt	Honeywell International 101 Const Ave,NW#500W 20001
Wendim, Helen	New	CitiBank 1775 Pa Ave,NW 20006
White, Darlene P.	New	Zuckerman Spaeder 1800 M St,NW 20036
Wright, Nicole	New	Commerce Bank 1753 Conn Ave,NW 20009

OPTIONS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL (RFP)****Professional Food Management**

The Options Public Charter School will receive bids until August 9, 2007 at 2:00pm for the delivery of breakfast and lunch to children enrolled at the school for the 2007-2008 school year with a possible extension of (4) one year renewals. All meals must meet, but are not restricted to, minimum National School Breakfast and Lunch meal pattern requirements. Meal pattern requirements and all necessary forms may be obtained from:

LaTanya Adams
Administrative Assistant
Options Public Charter School
1375 E Street, NE
Washington, DC 20002
Tel: 202-547-1028, ext 222
Fax: 202-547-1272
Email: ladams@optionsschool.org

DC PREPARATORY ACADEMY PCS**REQUEST FOR PROPOSAL**

DC Preparatory Academy, in accordance with section 2204©(XV)(A) of the District of Columbia School Reform Act of 1995 (PL 104134), is soliciting quotes for the following services:

1. Technology:
Purchase of computers and printers for new elementary campus and related administrative staff, as well as for the computer lab and library.
2. Executive Recruiter:
Purchase of the services of an executive recruiter for the search for a Chief Academic Officer.

Interested parties should submit proposals to Emily Lawson, Executive Director, at 202-223-8791. The deadline for all responses is August 10, 2007 at 5 pm.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC HEARING**

The District of Columbia Public Charter School Board invites the public to participate in a public hearing on Options Public Charter School's request to amend its charter.

Options Public Charter School requests to amend its charter in the following area:

- Increase grade levels served to include students in grades 9-12.

The hearing will be held on Wednesday, August 8, 2007 from 7:30 – 8:00 PM at the DC Public Charter School Board, 3333 14th Street, NW, 2nd floor. During the public hearing, Options Public Charter School representatives will describe the rationale for the proposed change. The Board invites the public's participation in the hearing and asks members of the public to testify on the impact the proposed amendment will have on:

1. students, parents, and the community;
2. other public schools in the District of Columbia; and
3. the quality of education in the city.

Individuals who wish to testify should call the Board's office at (202) 328-2660 by 3:00 PM on the day of the hearing to be placed on the hearing schedule and should send, by August 22, 2007 a written copy of their testimony to the District of Columbia Public Charter School Board, 3333 14th Street, NW, Washington, DC 20010.

Sign and/or Spanish language interpretation will be available upon request. Members of the public needing these services are requested to contact the Board no later than August 6, 2007 so that arrangements can be made.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE TENANT ADVOCATE**

NOTICE OF TENANT ADVISORY COUNCIL MEETING

The Tenant Advisory Council will meet on Thursday, August 9, 2007 at 7:00 pm. The meeting will be held at the Martin Luther King, Jr. Memorial Library, 901 G Street, NW in Room A9. The meeting is open to the public. There will be a public comment segment.

CALENDAR YEAR 2007 SCHEDULED MEETINGS

September 13, 2007

October 11, 2007

November 8, 2007

December 13, 2007

For more information, please contact:

Ms. Delores Anderson
Office of the Tenant Advocate
Department of Consumer and Regulatory Affairs
941 North Capitol St., NE, Suite 9500
Washington, DC 20002
delores.anderson@dc.gov
202-442-8359

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 17532 of AppleTree Institute for Education Innovation, Inc., pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, to require BZA special exception approval for a proposed addition to an existing building to accommodate a public charter school use¹. Appellant alleges that the Zoning Administrator erroneously relied upon the Zoning Commission's February 13, 2006 emergency rulemaking to require additional on-site parking spaces. The subject property is located in the R-4 District at premises 138 12th Street, N.E. (Square 998, Lot 820).

HEARING DATE: November 21, 2006
DECISION DATE: January 9, 2007

ORDER

PRELIMINARY MATTERS

This appeal was filed on June 27, 2006, by the AppleTree Institute for Education Innovation, Inc., ("Appellant"), which owns the property that is the subject of the appeal, 138 12th Street, N.E., Square 988, Lot 820, ("subject property"). The Appellant alleges that the Zoning Administrator ("ZA") erred in his decision to deny its February 9, 2006 application for a building permit. According to the April 28, 2006 letter communicating the Zoning Administrator's decision to the Appellant, he based his denial on the determination that the Appellant's proposed use of the property as a public school failed to meet the minimum requirements in an R-4 zone district for lot area, lot width, and number of parking spaces.

The Board held a public hearing on the appeal on November 21, 2006, at which the Appellant presented its case through counsel and the Zoning Administrator's decision was defended by the Zoning Administrator himself. Travis Parker, who was involved in reviewing this project with the Zoning Administrator, testified in support of the Zoning Administrator's decision, as did a representative of Advisory Neighborhood Commission ("ANC") 6A, the ANC within which the subject property is situated. The ANC also submitted a report in support of the Zoning Administrator's decision. A group of neighboring property owners, the "Northeast Neighbors for Responsible Growth" ("NNRG"), was granted opposition party status by the Board. At the end of the hearing, the Board set a decision date for January 9, 2007.

¹The caption has been changed to delete the reference to "an addition to an existing public charter school". Based upon the record, the subject property was not being used as a public charter school at the time Appellant filed its application for a building permit.

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After its deliberations at the January 9, 2007 public decision meeting, the Board voted 4-1-0 to grant the appeal and reverse the Zoning Administrator's decision to deny the building permit. An explanation of the facts and law that justify the Board's conclusion follows.

FINDINGS OF FACT

1. The Property. The subject property is located at 138 12th Street, N.E in the R-4 zone district and is improved with a building constructed prior to May 12, 1958, the date on which the modern version of the Zoning Regulations became effective ("1958 Regulations").
2. The subject property has been certified by the State Historic Preservation Officer as contributing to the character of the Capitol Hill Historic District.
3. The subject property is situated between rowhouses on a primarily residential street, but has been used for non-residential purposes at least since the enactment of the Zoning Regulations.
4. On the effective date of the Zoning Regulations, the building was used as an office facility for a heating-oil company.
5. The subject property was used as an office facility for a hospice in the mid- to late-1960s and as a private club by the Knights of St. John and Women's Auxiliary from 1969 until 2005, when the Appellant acquired the property.
6. The building includes 4,296 square feet of gross floor area, as well as a cellar area.
7. The lot underlying the building is a rectangle with a lot width of 36 feet and a lot area of 4,230 square feet.
8. The area of the lot behind the building is paved with asphalt. The paved area is somewhat less than 36 feet wide (due to encroachments by the immediate neighbors on both sides), and somewhat less than 77 feet deep (due to the space behind the building taken up by a fire escape descending from the second floor, an exterior staircase into the cellar, and two large air-conditioning units).
9. The paved area is separated from a 30-foot-wide public alley at the rear property line by a chain-link fence, which includes a pair of gates that open to allow access from the alley through a 12-foot gap.
10. The chain-link fence was erected in 1970 by the Knights of St. John, along the rear property line, pursuant to a building permit certifying that "this fence will not obstruct any accessible parking area required by the Zoning Regulations of the District of Columbia." Exhibit No. 32, Attachment 4.
11. No legal, striped parking spaces are marked on the paved area, and there is no evidence that any such spaces have ever been marked on the paved area.
12. Between 1958 and 1969, a large portion of the current paved area was occupied by a storage shed that was 15 feet wide and 49 feet long and provided no parking. In 1969,

- the Knights of St. John razed that structure, pursuant to a permit that indicated that the previous use of the building was "Storage Garages No Parking."
13. The prior owner, Knights of St. John, would periodically use the paved area at the rear of the lot for stacked parking of up to approximately 10 vehicles. Transcript of Nov. 21, 2006 Public Hearing at 399, lines 14-19 ("Transcript").
 14. On February 9, 2006, the Appellant applied for a building permit to expand the existing building on the subject property by adding an addition on the back, which would increase the total gross floor and cellar floor area to 8,975 square feet and would occupy a portion of the paved area at the rear of the lot.
 15. Under the Appellant's plans, the remainder of what is now the paved area would be occupied by a grassy area, a sidewalk, and three marked parking spaces roughly perpendicular to the rear property line and directly accessible from the public alley.
 16. The Appellant also proposed changing the use of the property from a private club to a public charter school for approximately 50 pre-school and pre-kindergarten students and up to 15 teachers and staff members.
 17. On February 13, 2006, the Zoning Commission adopted an emergency rule pertaining to public schools. *See* 53 DCR 2017 (Mar. 17, 2006). It re-adopted the emergency rule on June 12, 2006, *see* 53 DCR 5898 (July 21, 2006), and adopted a permanent version on September 25, 2006. *See* 53 DCR 9580 (Dec. 1, 2006).²
 18. The new rule: (a) expanded the definition of "public school" contained in 11 DCMR § 199.1 to include schools "chartered by the District of Columbia Board of Education or the District of Columbia Public Charter School Board," (b) increased the minimum lot area for a public school in an R-4 zone district from 4,000 to 9,000 square feet, and the minimum lot width from 40 feet to 120 feet; and (c) established a parking formula for pre-elementary and pre-kindergarten schools or facilities of two spaces for every three teachers or staff members.
 19. Pursuant to the new rule, a school employing 15 teachers would have to provide ten parking spaces ($15 \div 3 = 5$; $5 \times 2 = 10$).

²The Appellant contends that aspects of that rulemaking "exceeded [the Zoning Commission's legal] authorities in multiple ways," but the Appellant also contends that the Board may hear this appeal without addressing those contentions. The Zoning Administrator contends that "the validity of the Zoning Commission's action on adopting the emergency text amendment is not within the [Board's] jurisdiction." Transcript at 324, lines 12-14. The written report of the ANC does not directly address the question of jurisdiction, but the NNRG also contends that the Board lacks jurisdiction to address the validity of the emergency rule. *See*, Exhibit No. 23, ANC Report, and Exhibit No. 28, Reply Brief of Intervenor NNRG at 1-2. In this order, the Board assumes *arguendo* that the emergency rule is legally valid, without intending any prejudice to the Appellant's ability to press its arguments to the contrary elsewhere.

20. On April 28, 2006, the Zoning Administrator denied the Appellant's building permit application on grounds that the Appellant's proposed use failed to meet the minimum-lot-area requirement of "9,000 square feet," the minimum-lot-width requirement of "120 feet," and the minimum-parking-spaces requirement of "10 spaces." Exhibit No. 13.
21. Appellant asserted to the Zoning Administrator and asserts in this appeal that the property is exempt from the minimum lot area and lot width requirements pursuant to 11 DCMR § 401.1. That provision states:
- Except as provided in chapters 20-25 of this title, in the case of a building located on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title.
22. Appellant asserted to the Zoning Administrator and asserts in this appeal that no more than three parking spaces are required.
23. Appellant relies on 11 DCMR 2100.5 as the legal authority for its parking space calculations.
24. Section 2100.5 exempts buildings certified as contributing to a historic district from providing additional parking.
25. At the hearing, the Zoning Administrator changed his position to assert that 7 parking spaces were required based on the theory that the previous club use required 7 spaces.
26. Neither the regulations in effect when the property changed from an office use to a private club use in 1969 nor the current regulations specify a parking space requirement for a private club.
27. In 1969, the Zoning Regulations contained a provision specifying that if the parking schedule contained no requirement for a particular structure, that structure was to provide the number of "parking spaces . . . required for a warehouse located in a C-M-1 District," Zoning Regulations of the District of Columbia §§ 7202.1, 7207.17 (1973 reprint) ("1973 Zoning Regulations"). In 1969, the parking requirement for a warehouse located in a C-M-1 District was one space "for each 2,400 square feet of gross floor area."
28. The private club use would therefore have required two parking spaces ($4,296 \div 2400 = 1.79$).³
29. DCRA computed the parking requirement for the private club use with the current catch-all requirement of one space for every 600 square feet of GFA, set forth in 11 DCMR

³The rules of interpretation for Chapter 21 provide that "whenever calculations based on the schedule set forth in § 2101 result in a fractional space, any fraction under one-half shall be disregarded and any fraction of one-half or over shall require one (1) parking space", 11 DCMR § 2118.6.

§2101, rather than with the catch-all requirement that was in effect when the private club use began.

30. The parties in Opposition claimed that ten spaces were required, based on observations that the private club periodically stacked 10 cars in the lot. (See Finding of Fact ("FOF") 13.)
31. DCRA changed its position again in its Proposed Findings of Fact, No. 24, asserting that only five spaces were required on the theory that when the use changed, the parking requirement changed.
32. DCRA then based the five spaces requirement upon 11 DCMR § 2101.10, which reads as follows:

In the case of a building or structure for which the Zoning Regulations now require more parking spaces than were required when the building or structure was built, the following shall be required:

- (a) If the existing number of parking spaces *now provided* is less than or equal to the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced; and
 - (b) If the existing number of parking spaces *now provided* is more than the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced below the minimum number of parking spaces required by this chapter.
33. Although there are currently no parking spaces marked in the paved area in the rear of the building (as would be required by 11 DCMR § 2117.3), up to three angled spaces could be placed there while still allowing sufficient space for a 17-foot aisle and screens from contiguous residential properties (as required by 11 DCMR §§ 2117.5 and 2117.12).
 34. The Zoning Administrator claimed that six legal parking spaces could fit in the paved area. He conceded, however, that one of those supposed spaces was impermissibly placed in the midst of a fixed fire-escape staircase from the second floor. Transcript at 347, lines 12-14; 350, lines 7-9; and 368-69, lines 21-22 and 1. He also conceded that two of the remaining five spaces — located perpendicular to and immediately adjacent to the alley — would not actually be accessible without changing the existing chain-link fence. Transcript at 361, lines 4-9.
 35. The Appellant is planning to provide three parking spaces in the rear paved area and has secured a long-term lease in a nearby parking lot for a minimum of another 10 parking spaces.

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CONCLUSIONS OF LAW AND OPINION

The Board has jurisdiction to hear an appeal from any administrative decision of a District official "based in whole or in part on any zoning regulation." D.C. Official Code § 6-641.07(f) (2001). It may "reverse or affirm, wholly or partly, or may modify the order . . . , decision, determination, or refusal appealed from, . . . and to that end shall have all the powers of the officer or body from whom the appeal is taken." *Id.* § 6-641.07(g)(4); *see also* 11 DCMR § 3100.4.

This appeal was timely under 11 DCMR § 3112.2(a), because it was filed within 60 days of the date the Appellant had notice or knowledge of the decision being appealed.

There are two principal issues on appeal:

(1) Whether the building on Appellant's lot may be enlarged for the purpose of accommodating a public school use without regard to the lot area limitations applicable to that use; and

(2) Whether a change in the building's use to a public school requires the provision of any parking spaces on site.

For the reasons stated below, the Board concludes that the proposed change in use does not require adherence to either the lot size or parking requirements for the new use.

As set forth in the findings of facts above, on February 13, 2006, the Zoning Commission adopted an emergency rule pertaining to public schools. This rule was readopted as an emergency rule on June 12, 2006, and then adopted as a permanent rule on December 1, 2006. The new rule, in relevant part, amended the definition of public schools in § 199.1 to include charter schools, amended Chapter 4 of the Zoning Regulations to increase minimum lot area and width requirements in Residence Districts, and amended Chapter 21 of the Zoning Regulations to require parking for pre-elementary schools and pre-kindergarten schools or facilities. This appeal arises from the Zoning Administrator's denial of Appellant's application for a building permit on April 28, 2006 on grounds that the proposed use as a public charter school did not meet the requirements set forth in the new regulation. Specifically, the Zoning Administrator determined that the proposed use did not meet the minimum lot area and width requirements, nor the parking requirements.

1. Compliance with the Lot Requirements for a Public School.

Appellant argues that the subject property is exempt from the requirements of the new area restrictions by reason of 11 DCMR § 401.1. That section states as follows:

Except as provided in chapters 20-25 of this title, in the case of a building located on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the

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building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title.

The Board interprets this section to mean simply, that a building that was located on a lot on May 12, 1958, that does not meet the lot area or width of lot requirements prescribed in § 401.3 may be enlarged or replaced, provided it complies with all other provisions of the Zoning Regulations.

The new public school regulations added public school to the chart set forth in § 401.3. There is no factual dispute that the subject building was located on the lot on May 12, 1958 and that the lot does not meet the lot area or width of lot requirements prescribed in § 401.3 for use as a public school.

Accordingly, the only issues before the Board with respect to the lot requirements are whether the subject property is exempt from the public school lot requirements set forth in § 401.3 and whether the property complies with all other provisions of the Zoning Regulations. The new public school regulations, while amending several regulations in Chapter 4, including § 401.3, in particular, leave § 401.1 intact. The Zoning Administrator and the parties in opposition ask this Board to treat the omission to amend this regulation as an "oversight" on the part of the Zoning Commission and to read the inapplicability of § 401.1 to buildings used for public schools as consistent with the Zoning Commission's intent with respect to the new public school regulations. The Board notes that the Zoning Commission specifically reviewed the regulations in Chapter 4 when adopting the new regulations, and that § 401.1 was a part of the regulatory scheme it was reviewing. Further, there is evidence in the record that this specific issue was brought to the attention of the Office of Planning prior to final action, (Exhibit 33, Attachment. N). Accordingly, the Board finds that it is beyond its purview to assume that the omission to amend § 401.1 was an oversight on the part of the Zoning Commission.

As stated by the Chair of the Zoning Commission, who participated in this decision:

To the extent that 401.1 is ultimately inconsistent with the Commission's intent but remains meaningful on its own terms, then it is the flaw of the Commission interacting (sic) [in enacting] the rulemaking, not an area of interpretation for the ZA.

The Board further recognizes that any such flaws of rulemaking are not for the Board to fix, in an appeal case, but rather within the authority of the Zoning Commission to correct in a rulemaking proceeding.

The Board therefore reverses the determination of the Zoning Administrator that the building on the Appellant's lot may not be expanded because its lot has less area and width than is required for a public school.

2. Compliance with all other Provisions of the Zoning Regulations

To be successfully invoked, § 401.1 requires not only that the building have been on the lot as of May 12, 1958, but that the property comply with all other provisions of the Zoning Regulations (other than the lot area and width of lot requirements.) The Zoning Administrator and the parties in opposition allege that Appellant is not in compliance with the parking regulations. The Zoning Administrator argues ultimately that five parking spaces are required. Appellant will only be providing three, which Appellant argues is in compliance with the parking regulations. Appellant relies on 11 D CMR § 2100.5 for this conclusion, which the Board finds is controlling. § 2100.5 provides as follows:

No additional parking spaces shall be required for a historic landmark or a building or structure located in a historic district that is certified by the State Historic Preservation Officer as contributing to the character of that historic district.

There is no dispute that the building has been certified by the State Historic Preservation Officer as contributing to the character of the historic district. Accordingly, the issue in the first instance is whether "additional parking" refers to additional to the number of spaces required for the previous use or additional to what currently exists on the lot. As set forth below, the Board finds that the Applicant is compliant under either scenario and will be providing the maximum number of legal spaces that can fit on the lot, which is the greater number of the two scenarios.

The previous use of the building was that of a private club. The property changed to a private club use in 1969. Under the parking regulations in effect at that time, the parking requirement for the private club on this lot would have been two spaces. (See FOFs 27 and 28.) Accordingly, pursuant to § 2100.5, appellant's parking requirement would be two spaces.⁴

The Board finds unpersuasive the opposition parties' argument that the required parking for the previous use was 10 spaces based on the neighbors periodically seeing 10 cars stacked on the lot. The Board's task is to determine the number of legally required parking spaces on the lot, not how many could be packed onto the lot.

Finally, the Board finds that only three lawful spaces can be accommodated on this lot. Of the potential five spaces identified by the Zoning Administrator, two would not actually be accessible without changing the existing chain-link fence. (That chain link fence was erected in 1970 pursuant to a building permit certifying that **"this fence will not obstruct any accessible parking area required by the Zoning Regulations of the District of Columbia."**)

⁴ Because the Appellant has agreed to provide three spaces, one more space than is required, the Board need not determine whether any parking spaces were credited or grandfathered from the original 1958 use.

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The Board finds that based on the size of the surface area, the existence of the egress stairs, the air conditioning units and the gate which creates the drive aisle, no more than three regulation size parking spaces will fit on the lot.

As “§ 2100.5 provides that no additional parking shall be required, Appellant is meeting this requirement by providing three spaces on the lot.

The Zoning Administrator relied on 11 DCMR § 2101.10 for his final determination that five spaces are required. That regulation provides that whenever the use of a property changes to a use that requires more parking than was previously required, additional parking spaces must be required to make up the difference.

The Board finds that this provision is not applicable to the property because § 2100.5 is controlling for properties that have been certified by the State Historic Preservation Officer. No additional spaces are required regardless of whether the additional spaces would be triggered by a structural addition or by a change in use. Any other interpretation would negate the protection to historic properties afforded by this provision. *See BZA Order No. 17459 of DC Hampton LLC*, (2006) (self-certified application for a parking variance dismissed because “§ 2100.5 operates to waive the requirement for additional parking spaces for new construction” in such instances); *See also, BZA Order No. 16307 of National Child Research Center* (1998) (parking variance not needed because § 2100.5 exempts such historic structures from providing additional parking when the use is changed.); and *BZA Order No. 16071 of the Washington International School* (1995) (pursuant to § 2100.5 no parking spaces required for the change of use of a school building to an apartment building.)

Great Weight to the ANC

The Board is required to give “great weight” to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The ANC submitted a report in support of the Zoning Administrator’s decision in which it also argued that the Appellant did not meet the parking regulations. The ANC offered two bases for that assessment: First, it alleged that the property previously accommodated 10 cars. The Board has already addressed that issue, finding that stacking 10 cars does not equate with the provision of lawfully required parking spaces. Second, the ANC argues that the Appellant’s proposal to place a charter school in the existing structure is prohibited by 11 DCMR § 2002.3 and § 2002.5. These provisions regulate the expansion of nonconforming uses. In essence, the ANC argues that the charter school is a nonconforming use for that building because the building does not meet the lot area or lot of width requirements of §401.3. However, those nonconformities are structural. They are not nonconformities as to use. The use as a public charter school is a matter of right use in the R-4 zone. Accordingly, the ANC’s arguments with respect to nonconforming use are misplaced.

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The Board therefore concludes that the Zoning Administrator erred in determining that the Appellant needed to provide any more than three parking spaces for its contributing building. For the reasons stated above, the Board concludes that the Appellant has met its burden of proving that the Zoning Administrator erred in denying the Appellant's building permit application. The Board has carefully considered the issues and concerns stated in the written report of the ANC and, for the reasons stated above, finds them unpersuasive.

It is hereby **ORDERED** that the Zoning Administrator's decision is **REVERSED**, and it is further **ORDERED** that this appeal is **GRANTED**.

VOTE: **4-1-0** (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II,
and Curtis L. Etherly, Jr. to grant; Carol J. Mitten to deny.)

Each concurring Board member has approved the issuance of this Decision and Order.
and authorized the Director of the Office of Zoning to execute the Decision and Order on his or her behalf.

FINAL DATE OF ORDER: JUL 25 2007

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17633 of the Government of the Republic of Montenegro, pursuant to 11 DCMR § 1002.1, to permit the use of a chancery in the DC/SP-1 zone district at premises 1610 New Hampshire Avenue, N.W. (Square 134, Lot 141).

**NOTICE OF FINAL RULEMAKING
AND
DETERMINATION AND ORDER**

The Board of Zoning, pursuant to the authority set forth in the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306 (2001)); Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR; and Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2001)), hereby gives notice of the adoption of its determination not to disapprove the application of the Government of the Republic of Montenegro to permit the use of a chancery in the DC/SP-1 zone district at 1610 New Hampshire Avenue, N.W. (Square 134, Lot 141).

Procedural Background

On February 28, 2007, the Government of the Republic of Montenegro ("Applicant") filed a chancery application with the Board. Pursuant to 11 DCMR § 3134.7, the self-certified application was accompanied by a letter from the United States Department of State certifying that the Applicant had complied with § 205 of the Foreign Missions Act (D.C. Official Code § 6-1305), and that the application could be submitted to the Board.

Notice of the filing of the application and notice of the proposed rulemaking were published in the *D.C. Register* on March 16, 2007, at 54 DCR 2484 and 2377, respectively. In accordance with the Zoning Regulations, the Board provided written notice to the public more than 40 days in advance of the public hearing. 11 DCMR §§ 3113.13 and 3134.9(c). Thus, in compliance with the D.C. Administrative Procedure Act (D.C. Official Code § 2-501 *et seq.*), the Board also provided more than 30 days written notice to the public.

By letters dated March 2, 2007, the Office of Zoning provided notice of the application to the Department of State; the Mayor; the Office of Planning; the Historic Preservation Review Board; the Councilmember for Ward 2; the Department of Transportation; the Commission of Fine Arts; Advisory Neighborhood Commission ("ANC") 2B, the ANC in which the subject property is located; and the ANC commission for the affected single member district, ANC 2B03.

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By letters dated March 5, 2007, the Office of Zoning mailed notice of the public hearing on the application to the Applicant, ANC 2B, and the owners of all property within 200 feet of the subject property. Notice of hearing was also published in the *D.C. Register* on March 16, 2007 at 54 DCR 2336, and was posted in the Office of Zoning. The notice given to the public complied with the requirements of 11 DCMR § 3134.9.

The Subject Property

The property that is the subject of this application is located at 1610 New Hampshire Avenue, N.W., in the Special Purpose zone district and the Dupont Circle overlay district (DC/SP-1) as well as the Dupont Circle Historic District. The property is improved with a five-story building that is a contributing building to the historic district.

The immediate neighborhood features a variety of uses and building types, including apartments, rowhouses, and institutional uses, including several other chanceries. Building heights range from two to nine stories.

The Applicant's Proposal

The Applicant proposed to establish the Chancery of the Republic of Montenegro in the existing building on the subject property, using the first three floors for offices and the upper two floors for possible apartments for diplomats. The building was previously leased by the Republic of Montenegro Trade Mission to the United States of America, Inc., a non-profit corporation engaged in representing the trade interests of the Republic of Montenegro. Certificates of occupancy were issued in 2001 authorizing use of the basement and first three floors of the building as offices and use of the top two floors as residences. As of December 31, 2006, following the formal recognition of the Republic of Montenegro by the Government of the United States, the Trade Mission ceased operations, and its lease on the building expired.

The Applicant intends to use the building as the chancery for the Republic of Montenegro, consistent with its past use by the Trade Mission. The basement and first three floors will be used as offices to conduct the business of the foreign mission, and the top two floors will remain available for use as residences for diplomats.

The Hearing and Decision

The public hearing was held on May 22, 2007. The Board heard testimony from the Applicant, the Department of State, and the Office of Planning. Both the Department of State and the Office of Planning recommended approval of the application. No reports or comments were received from other government agencies, the affected Advisory Neighborhood Commission, or persons living in the vicinity of the subject property. At the conclusion of the hearing, the Board voted not to disapprove the application for the reasons discussed below.

In making a determination concerning the location of a chancery, the Board is required to consider only the following criteria: (i) the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions, (ii) historic preservation, (iii) the adequacy of off-street or other parking and the extent to which the area will

BZA APPLICATION NO. 17633**PAGE NO. 3**

be served by public transportation to reduce parking requirements, (iv) the extent to which the area can be adequately protected, (v) the municipal interest, and (vi) the federal interest. D.C. Official Code § 6-1306(d) (2001).

As recommended by the Department of State and the Office of Planning, favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Government of Montenegro for its diplomatic mission in Washington, D.C.

The Applicant has not proposed any external alterations to its building, which is contributing to the Dupont Circle historic district. The Historic Preservation Office did not object to the establishment of a chancery at the subject property.

The subject property provides two off-street parking spaces at the rear of the building, accessible from an alley. No new parking is required under the Zoning Regulations, as the building is contributing to a historic district. 11 DCMR § 2100.5. The proposed use of the subject property is not likely to create an adverse effect on parking in the area. The Department of State indicated no special security requirements related to parking.

The Department of State, after consultation with federal agencies authorized to perform protective services, indicated that the subject property and surrounding area are capable of being adequately protected.

The Office of Planning, on behalf of the Mayor, indicated that approval of the application will not be detrimental to the community, and that continued residential use of a portion of the building will be consistent with the character of the area and in the municipal interest. The Board credits the testimony of the Office of Planning that a mixed-use chancery at the subject property will not be inconsistent with the land use designation of the subject property in the Future Land Use Map of the Comprehensive Plan. The subject property is designated "moderate density residential," which may include institutional uses.

The Department of State indicated that a favorable decision on the application will serve the federal interest.

Accordingly, it is hereby **ORDERED** that the application of the Government of the Republic of Montenegro to permit the use of a chancery in the DC/SP-1 zone district at 1610 New Hampshire Avenue, N.W. (Square 134, Lot 141) is **NOT DISAPPROVED**.

Vote of the Board of Zoning Adjustment taken at the conclusion of its public hearing on the application on May 22, 2007 to **NOT DISAPPROVE** the application:

5-0-0 (Ruthanne G. Miller, Curtis L. Etherly, Jr., Marc D. Loud, Patricia Gallagher, and John G. Parsons not to disapprove)

BZA APPLICATION NO. 17633

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BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Notice of Final Rulemaking and Determination and Order.

FINAL DATE OF ORDER: JUL 18 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17639 of ARCH Training Center Inc., pursuant to 11 DCMR § 3104.1, for a special exception to construct a new eight (8) unit apartment building under section 353, in the R-5-A District at premises 1642-1648 V Street, S.E. (Square 5777, Lot 824).

HEARING DATE: July 17, 2007

DECISION DATE: July 17, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8A, which is automatically a party to this application. ANC 1C did not participate in the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Housing and Community Development submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 353. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 353, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by

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DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17640 of Timothy Popoola, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 402, and a variance from the lot occupancy requirements under section 403, to allow an addition to an existing apartment building, in the R-5-A District at premises 427 60th Street, N.E. (Square 5261, Lot 34).

HEARING DATE: July 17, 2007

DECISION DATE: July 17, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The Board received a report in support signed by the single member district commissioner for ANC 7C05; however, the ANC 7C chairman did not submit an official ANC report related to the merits of the application. Therefore, there is no official ANC position to which the Board may give "great weight." The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to § 3103.2, for variances from § 402 and 403. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the Office of Planning report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2, 402 and 403, that there exists an

BZA APPLICATION NO. 17640

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exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to the architectural plans – Exhibit 11 in the record) be **GRANTED**.

VOTE: **3-2-0** (Curtis L. Etherly, Jr., Ruthanne G. Miller, and Marc D. Loud to approve; John A. Mann II and Michael G. Turnbull to deny)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JUL 24 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR

BZA APPLICATION NO. 17640

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ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17642 of Jeffrey Scott Duncan, pursuant to 11 DCMR § 3104.1, for a special exception to allow a ground floor addition to the rear of an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), the rear yard requirements (section 404), and the nonconforming structure requirements (section 2001.3)* in the R-3 District at premises 2030 37th Street, N.W. (Square 1301, Lot 848).

**Note: The application was amended to note that, in addition to not meeting the lot occupancy requirement, the property does not meet the rear yard requirement or the provisions related to nonconforming structures – all of which are subsumed under the §223 special exception relief originally requested.*

HEARING DATE: July 17, 2007

DECISION DATE: July 17, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3B, which is automatically a party to this application. ANC 3B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

BZA APPLICATION NO. 17642**PAGE NO. 2**

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: **5-0-0** (Ruthanne G. Miller, Michael G. Turnbull, John A. Mann II, Curtis L. Etherly, Jr. and Marc D. Loud to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: JUL 18 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING

BZA APPLICATION NO. 17642

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BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

TWR

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17644 of 2021 L Street Investors LLC, pursuant to 11 DCMR § 3104.1, for special exceptions from the rear yard requirements under subsections 774.1 and 774.2, and the parking requirements under section 2108, to permit the redevelopment and expansion of an existing office building through the acquisition of transferable development rights in the C-3-C District at premises 2021 L Street, N.W. (Square 100, Lot 103).

HEARING DATE: July 24, 2007

DECISION DATE: July 24, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. ANC 2A did not participate in the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under sections 774.1, 774.2, and 2108. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 774.1, 774.2, and 2108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17647 of 1899 L Street Tower LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under subsection 771.5, to allow the expansion of office use by enclosing a two story arcade in the C-4 District at premises 1899 L Street, N.W. (Square 140, Lot 89).

HEARING DATE: July 24, 2007
DECISION DATE: July 24, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2B. The ANC did not participate in the application. The OP submitted a report in support to the application.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 771.5, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party,

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and is not prohibited by law. It is therefore **ORDERED** that this application (pursuant to Exhibit 10 – Plans) be **GRANTED**.

VOTE: 4-0-1 (Ruthanne G. Miller, John A. Mann II, Marc D. Loud and John G. Parsons to approve, Curtis L. Etherly, Jr. not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member has approved the issuance of this order.

FINAL DATE OF ORDER: JUL 25 2007

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS

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PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. rsn

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (MARCH 2007)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995).....	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002).....	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988)	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986).....	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988).....	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998).....	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999).....	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR CONSTRUCTION CODES SUPPLEMENT (MARCH 2007).....	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984).....	\$7.00
14	DCMR HOUSING (DECEMBER 2004).....	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998).....	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
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